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**From:** Matuszko, Jan [Matuszko.Jan@epa.gov]  
**Sent:** 11/19/2020 5:15:21 PM  
**To:** Keigwin, Richard [Keigwin.Richard@epa.gov]; Nesci, Kimberly [Nesci.Kimberly@epa.gov]  
**Subject:** RE: Petition to withdraw a guidance document  
**Attachments:** EFED EO Guidance document - AA1242020updatefollowingreview.docx

The documents that CBD is petitioning us to rescind are **internal guidance documents**. External folks are interested in them because they can use them to predict the results of our assessments. They are not intended to guide what they do explicitly.

We discussed the various types of guidance documents that EFED has with Alex in January 2020. I've attached my documentation of that as it may be helpful as well.

Would you like me to send this to her directly or is this something you were looking for so that you can convey to her?

**From:** Keigwin, Richard <Keigwin.Richard@epa.gov>  
**Sent:** Thursday, November 19, 2020 11:31 AM  
**To:** Nesci, Kimberly <Nesci.Kimberly@epa.gov>; Matuszko, Jan <Matuszko.Jan@epa.gov>  
**Subject:** RE: Petition to withdraw a guidance document

It might be helpful for Alex to have a few sentences that would help remind her why we did not list the Overview document in the guidance inventory.

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**From:** Nesci, Kimberly <Nesci.Kimberly@epa.gov>  
**Sent:** Thursday, November 19, 2020 11:14 AM  
**To:** Keigwin, Richard <Keigwin.Richard@epa.gov>; Matuszko, Jan <Matuszko.Jan@epa.gov>  
**Subject:** RE: Petition to withdraw a guidance document

Wow. Thanks for sharing. He sounds unhinged.

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**From:** Keigwin, Richard <Keigwin.Richard@epa.gov>  
**Sent:** Thursday, November 19, 2020 10:16 AM  
**To:** Matuszko, Jan <Matuszko.Jan@epa.gov>; Nesci, Kimberly <Nesci.Kimberly@epa.gov>  
**Subject:** FW: Petition to withdraw a guidance document

FYI

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**From:** Brett Hartl <BHartl@biologicaldiversity.org>  
**Sent:** Thursday, November 19, 2020 10:00 AM  
**To:** Dunn, Alexandra <dunn.alexandra@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>  
**Cc:** Messina, Edward <Messina.Edward@epa.gov>  
**Subject:** Petition to withdraw a guidance document

Ms. Dunn, Mr. Keigwin,

Please accept the following petition to formally withdraw the *2004 Overview of the Ecological Risk Assessment Process in the Office of Pesticide Programs, U.S. Environmental Protection Agency—Endangered and Threatened Species Effects Determinations*. As our petition notes, EPA has already failed to post this document to the Guidance Portal, and therefore it has already been deemed rescinded by the Trump Administration, we are simply ensuring that this withdrawal remains permanent.

A hard copy will be mailed to the appropriate physical address just as soon as EPA provides one to the public, something it explicitly said it would do under the final rule that became effective today, but has failed to do as of yet. Because the EPA portal requires a "unique identifier" and this document does not have one, we can only submit it via U.S. mail. This is a courtesy copy of our petition.

Please also extend my thanks to Administrator Wheeler. The Center has been looking for a legal hook to get rid of the 2004 Guidance for many, many years. Without Mr. Wheeler's ideological fanaticism and blind acceptance of right-wing dogma, we would never have had this opportunity. We are truly fortunate such an imbecile is running the EPA. We look forward to suing EPA regardless of how you respond. Deny the petition, we will sue over the denial and the arbitrary nature of the Wheeler rule. Ignore the petition, we will sue over failure to respond and the inconsistent application of the Wheeler rule. Accept the petition, don't worry, we will still sue.

Sincerely,

Brett Hartl  
Government Affairs Director  
Center *for* Biological Diversity  
202-817-8121